

1 STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 42

MILWAUKEE COUNTY

2  
3 STATE OF WISCONSIN,

4 Plaintiff,

5 v.

Case No. P-954600

6 RICO SANDERS,

7 Defendant.

8  
9 SENTENCING

FILED  
CRIMINAL DIVISION  
JUN 26 1997

10 April 25, 1997

Hon. David A. Hansen  
Circuit Judge, Presiding

12 CHARGES/DISPOSITION

13 Ct. 1 - First Degree Sexual Assault - 30 YEARS, WISCONSIN  
STATE PRISON

14 Ct. 3 - Armed Robbery - 10 YEARS, WISCONSIN STATE PRISON,  
CONSECUTIVE TO COUNT 1

15 Ct. 4 - Second Degree Sexual Assault - 10 YEARS, WISCONSIN  
STATE PRISON, CONSECUTIVE TO COUNT 3

16 Ct. 6 - First Degree Sexual Assault - 30 YEARS, WISCONSIN  
STATE PRISON, CONSECUTIVE TO COUNT 4

17 Ct. 8 - First Degree Sexual Assault - 30 YEARS, WISCONSIN  
STATE PRISON, CONSECUTIVE TO COUNT 6

18 Ct. 9 - First Degree Sexual Assault - 30 YEARS, WISCONSIN  
STATE PRISON, CONSECUTIVE TO COUNT 8

19  
20 APPEARANCES:

21 MIRIAM FALK, Assistant District Attorney,  
appeared on behalf of the State.

22 MARTIN LOVE, Attorney at Law, appeared on  
23 behalf of the Defendant.

24 DEFENDANT present in Court.

25 Beth J. Fringer - Court Reporter

Exhibit EE

1                                    TRANSCRIPT OF PROCEEDINGS

2                                    CLERK:    State of Wisconsin versus Rico  
3                                    Sanders.    Case No. F-954600.    Appearances, please.

4                                    MS. FALK:    The state is appearing by Assistant  
5                                    D.A. Miriam Falk.

6                                    MR. LOVE:    Martin Love for and with Mr.  
7                                    Sanders, Your Honor.

8                                    THE COURT:    Okay, we're here for sentencing.  
9                                    The court has in front of it a presentence report.    Any  
10                                   additions or corrections from the state?

11                                   MS. FALK:    Well yes, Your Honor, there are  
12                                   just a few things that I wanted to correct or note for  
13                                   the record.

14                                   THE COURT:    And there's also a social study  
15                                   that's attached also, I should add.

16                                   MS. FALK:    Your Honor, there are a number of  
17                                   references in the presentence report that are different  
18                                   than information that I have.    On page 4, underneath  
19                                   "Academic and Vocational Skills," it indicates that the  
20                                   defendant is saying he was in LD classes because, quote,  
21                                   "They said I was slow functioning."    I would refer the  
22                                   court, however, to the 2/9/96 report that is attached to  
23                                   the presentence report.    It's one of the, let me see  
24                                   where I have this here.    Tell you exactly what it is.    I  
25                                   think it's one of the competency things.    Yes, it's the

1 report that was submitted to Diane Sykes on -- dated  
2 February 9th of 1996. That was authored by Dr. Palermo,  
3 and in getting the history at that time, Mr. Sanders --

4 MR. LOVE: What was, I'm sorry, counsel, what  
5 was the date there?

6 MS. FALK: February 9th of 1996, it's right on  
7 the first page where Mr. -- Dr. Palermo is talking about  
8 the relevant history, the defendant told him that he had  
9 attended Park Manor School in Chicago up to the eighth  
10 grade in regular classes. And that he was kicked out  
11 "because someone was going to kill me." That part, that  
12 last sentence is consistent with what the defendant is  
13 saying.

14 I would also note for the record that in the  
15 public defender prepared social study that is the last  
16 document that is attached, at page, the third page under  
17 the "Education" section, again it indicates that Mr.  
18 Sanders is considered to be in the ninth grade, the last  
19 school that he attended was Park Manor Grammar School  
20 and that he has always been in regular classes. In fact  
21 it goes on to indicate that according to the principal  
22 of that school, Rico's mother did not want her son  
23 screened for any kind of special classes.

24 So there is a dispute in the documentation  
25 itself as to what exactly it is that Mr. Sanders was

1 doing when he was in school. I would suggest to the  
2 court that he was in regular classes based on the  
3 plethora of information that we got before this  
4 particular presentence was prepared.

5 The rest of the -- the differences, Your  
6 Honor, I will simply just raise by referring the court  
7 to various documents in the course of my arguments.  
8 They're just things that people are saying now that are  
9 different than what people had said in other places and  
10 to other people, and I will simply refer the court to  
11 those other contradictions, but I felt that the  
12 educational level, since it is one of the specific  
13 things that the court needs to consider related to the  
14 character and rehabilitative needs of the defendant,  
15 should be pointed out to the court in advance.

16 THE COURT: Counsel? Any additions or  
17 corrections or comment --

18 MR. LOVE: Yes, Your Honor. Just to comment  
19 on that point, unfortunately the references that are --  
20 are made here are made to third parties and they're  
21 hearsay representations as to Mr. Sanders' background.  
22 Fortunately on that point, and I really can't personally  
23 illuminate it, his family is here. There -- his mother  
24 is here. I -- I just asked Rico if in fact he did take  
25 special classes. He told me he did. His mother's here,



1 she can indicate whether or not Rico took special  
2 classes, and even if that is not the case, the record is  
3 replete with documentation of the special needs of Rico,  
4 and -- and that there is a special -- there is a  
5 circumstance of -- of if not retardation, that the  
6 impression has been -- has been shared by many of the  
7 people who have talked to Rico and who have investigated  
8 this background, that he has some sort of disability in  
9 that area. So that's my comment on that. If Miss -- if  
10 Mrs. Sanders wants to, if his mother wants to make a  
11 statement and I know that she's -- she's -- she's  
12 concerned about that, she's nervous and apprehensive,  
13 but I -- we can find out from their point of view  
14 whether or not he had those special training.

15 Now with respect to various I think scrivener  
16 errors in the -- in the presentence, on page 3,  
17 paragraph 1, and it's just a typo, paragraph 1, line 12,  
18 we believe 27th Street should be 47th Street as I think  
19 it refers to the location of a -- of an act, of an  
20 incident.

21 On page 6, there's a reference to Rico's  
22 chronological place in the family. Rico is the youngest  
23 of the children, and the -- his brother Charles is  
24 between, occurs between Jackie and Jill.

25 On page 7, Paragraph 4, it should be clear

1 that it's Rico's father who passed away. His father  
2 died. And Rodney was the brother who was a profound  
3 influence and to whom Rico looked up to and lived with  
4 Rodney and his mother. Rodney was killed, was murdered.  
5 Paragraph 5. "Brother," I've got a -- a reference to  
6 and I believe that's the next paragraph on page 7 --

7 MS. FALK: Right, it's the last sentence there  
8 of the word "offender," should be "brother," the second  
9 last time it says --

10 MR. LOVE: Yeah, the "brother" does not  
11 believe. Now those are the only corrections that we  
12 have, Judge, and as a threshold matter, if -- if I may,  
13 maybe I -- I have -- I request to make of the court with  
14 regard to the process of sentencing, it's -- if I could  
15 speak to it now, I'd be happy to. If the court wants --

16 THE COURT: Just ask her and just report back  
17 to me what she says. You want to go ask her?

18 MR. LOVE: Oh, okay. She says yes. He took  
19 learning disability classes.

20 THE COURT: Okay.

21 MR. LOVE: The other thing is, Judge, was the  
22 manner in which this proceeding would take place. I  
23 advised the court at the suggestion of -- of counsel,  
24 Mrs. Falk, that I -- I wanted to have this matter  
25 adjourned and I had spoken to Miss -- Mrs. Falk about

1 that and we discussed that, the propriety of doing that.  
2 She indicated to me that there were several reasons why  
3 she would object, and I don't mean to speak for her, but  
4 I understood that --

5 THE COURT: Could you move the microphone  
6 closer to you?

7 MR. LOVE: Sure. Is that better, Judge?

8 THE COURT: Yes, thank you.

9 MR. LOVE: I understood that Mrs. Falk  
10 anticipates taking some leave and that this is a copious  
11 file, and she didn't want to be really putting that  
12 responsibility in somebody else's hand who weren't  
13 adequately -- who wasn't adequately prepared, and that  
14 she wanted closure for the victims in this case. That  
15 they have been living with this for a considerable  
16 period of time, and that whatever opportunity they had  
17 to make their positions known to the court would be  
18 consummated and they could go about repairing their  
19 lives as best they could, this would be behind them.  
20 And I don't disagree with those reasons, Judge, I think  
21 they're valid.

22 On the other hand, my request for the  
23 adjournment was based on the needs of my client as I  
24 perceive them. The court has a view of his history.  
25 You know, there's -- there's substantial -- there's

1 substantial data that gives you background on Rico, and  
2 so much so that some of it's been attached to the  
3 presentence report. It's his wish that family members,  
4 even though he has some support here, there's some  
5 particular family members to whom he's very attached,  
6 would have the opportunity to be here. One is an aunt  
7 from Tennessee, his mother's sister, who -- to whom he  
8 has very close ties and is not able to come here today.

9 I would like some time to consider an element  
10 of -- of qualifying a principle that I want to enunciate  
11 to the court in the course of my argument or my -- my --  
12 my statement to the court in his behalf. Recently we --  
13 the court will recall that this was an Alford plea. And  
14 the Alford -- the aspect of it really centered on the  
15 sexual assaults. The court will also recall that when  
16 we presented that plea, that Mrs. Falk told you on that  
17 issue where we had centered on -- on DNA testing and --  
18 and blood typing with respect to certain specimens that  
19 were drawn, and that some of them didn't compare to  
20 Rico. She told you that yes, there was a -- there were  
21 incidents with some of these victims where they had  
22 recently had sex -- sexual intercourse with -- with  
23 other people, people that they were involved with, and  
24 that was an explanation for these disparities.

25 Rico had taken the position that although he



1 was present at each of these homes when the burglaries  
2 occurred, that there was another actor, that actor was  
3 named, and that it was he who had conducted these  
4 assaults. The -- it's come to my attention--and I don't  
5 know if there's any confirmation of this--but yesterday  
6 in this community there were reported assaults of this  
7 type wherein the actor apparently followed the same  
8 method that's attributed to the defendant in this case.  
9 Those are post -- those are -- as far as I can tell,  
10 those are -- those are post-conviction issues.

11 But I would like and I would suggest to the  
12 court that we bifurcate this proceeding today. We allow  
13 the state to make its statement. We allow the victims  
14 if they wish to make theirs. We allow for closure for  
15 them, and we put this matter off for just a couple  
16 weeks. See if I can get the brother, if I can get --  
17 and I'm just talking about our part of it. That will  
18 relieve Mrs. Falk of her anxiety, that will permit  
19 closure for the victims, and certainly the disposition  
20 that the court levels here will be communicated to the  
21 victims anyway. So I don't see that as --

22 THE COURT: The reason you want it adjourned  
23 is again for what reason?

24 MR. LOVE: Well, there are members of the  
25 family --

1 THE COURT: Okay, the aunt from Tennessee.

2 MR. LOVE: Yeah.

3 THE COURT: And who else?

4 MR. LOVE: Yeah. There's a brother, too,  
5 who's -- who's presently involved in Chicago, can't get  
6 out of the -- can't get out of the community in Chicago  
7 right now, but we hope that he'll be out and available  
8 for us within a few -- within a week or so.

9 THE COURT: Is this the one who's interviewed  
10 in the presentence?

11 MR. LOVE: No.

12 THE COURT: Another brother.

13 MR. LOVE: Yeah. And I want the opportunity  
14 to try to present to the court some information that I  
15 think is important that I haven't been able to get yet.  
16 And it -- it's technical information and that's all.

17 THE COURT: What information?

18 MR. LOVE: Well I want to deal with -- tell  
19 the court -- I want to deal with some of the issues of  
20 Mr. Sanders' drug experience, and I haven't had an  
21 opportunity to -- to determine that.

22 THE COURT: Well I think it's something you  
23 can argue to the court. I'm not going to adjourn a case  
24 just to get an aunt from Tennessee here and his brother.  
25 If it was so important to his brother, he should have

1 made arrangements to be here. I adjourned this from  
2 last week on my own motion, and they at least had a  
3 week's warning and some relatives could make it, and who  
4 knows if the brother or aunt could even make the next  
5 date because I wouldn't put this over for a long period  
6 of time, he's sitting in the County Jail which we all  
7 know is overcrowded, and I don't think it's fair to him  
8 or fair to the system or fair to the state, and the  
9 court is going to deny your motion. Anything else as to  
10 additions or corrections to the presentence?

11 MR. LOVE: Not by the defense, no.

12 THE COURT: State's recommendation.

13 MS. FALK: Your Honor, this was a negotiated  
14 plea, and I will restate those conditions for the record  
15 so the court has them. Mr. Sanders entered pleas to the  
16 following counts. Count 1, which is first degree  
17 assault, the victim was Yolanda Washington. Count 3,  
18 armed robbery with the use of force. The victim was  
19 also Yolanda Washington. Count 4, second degree sexual  
20 assault, the victim in that case was Tracy Robinson.  
21 Count 6, first degree sexual assault, the victim in that  
22 case was a juvenile named Yvonne Redmond. Count 8,  
23 first degree sexual assault, penis to mouth, the victim  
24 in that case was Poincianna Sprewell. And count 9,  
25 first degree sexual assault, penis to vagina, the victim

1 in that case was also Poincianna Sprewell.

2 The state moved to dismiss and read in count  
3 2, which was an armed burglary, the victim was Miss  
4 Washington. Count 5, which was an aggravated burglary.  
5 The victim in that case was Miss Robinson. Count 7,  
6 which was another aggravated burglary, the victim was  
7 Miss Redmond, and count 10, which was an armed burglary.  
8 The victim in that case was Poincianna Sprewell.

9 To the plea that was entered by Mr. Sanders,  
10 the state was requesting a presentence and was  
11 recommending at the option that was chosen by Mr.  
12 Sanders that he be incarcerated for a period of 50 to 70  
13 years on the sexual assault charges, and that with  
14 respect to the armed robbery charge, that Mr. Sanders be  
15 sentenced and that that sentence in prison be stayed and  
16 that he receive a lengthy consecutive period of  
17 probation on the armed robbery charge. The robbery  
18 charge, Your Honor, was the count 2 that he pled to --  
19 I'm sorry, count 3. I have provided to the court the --

20 THE COURT: Wait. So it's count 1, 3, 4, 6, 8  
21 and 9?

22 MS. FALK: Yes.

23 THE COURT: And you're recommending 50 to 70  
24 years total--

25 MS. FALK: Fifty to 70 years total.



1 THE COURT: --on all the sexual assaults with  
2 an imposed and stayed sentence on the armed robbery,  
3 consecutive.

4 MS. FALK: Yes, and consecutive lengthy  
5 probation on that charge.

6 THE COURT: Is that your understanding,  
7 counsel?

8 MR. LOVE: I understand that's their  
9 recommendation, Your Honor, yes.

10 THE COURT: And you're free to argue for less.

11 MR. LOVE: I am.

12 THE COURT: Okay. State's recommendation.

13 MS. FALK: Your Honor, I did give to the court  
14 today the victim impact statement that had been filled  
15 out by Miss Washington at the time that this was first  
16 being considered in juvenile court, and I will just  
17 highlight some of the things from that, and then I also  
18 have notations that were made by the victims when this  
19 case was first issued related to the impact that this  
20 was having on them. I do this since the presentence  
21 writer apparently did not have any personal contact with  
22 these victims like I have had.

23 Miss Washington indicated that this has had a  
24 tremendous result on her. She describes that she gets  
25 an upset stomach thinking about it. She doesn't sleep

1 well. She tosses and turns. She sees a counselor even  
2 though it's very hard for her to talk about what it is  
3 that happened to her. She considered moving out of her  
4 apartment but could not afford to do so because she  
5 couldn't afford -- couldn't financially afford to do it.  
6 She says that this crime has had an effect on her every-  
7 day life by causing her to be always fearful for her  
8 life and her children's lives. She doesn't like to go  
9 outside much anymore. She says that now she gets sick a  
10 lot and is easily stressed. She said that knowing --  
11 because after she was assaulted Mr. Sanders was out on  
12 the street for quite a number of months, knowing that he  
13 was still out on the streets gave her a huge sense of  
14 insecurity. They're fearful now of even doing simple  
15 things like leaving their windows up in the heat of the  
16 summer, leaving lights off, and they react to every  
17 unrecognized sound that they hear.

18 Her friends and her relatives are outraged by  
19 this, and I remember talking with her about how  
20 difficult it was, even though she understood that they  
21 were very angry for her, to talk about this with them  
22 because it was such a disgusting and embarrassing thing  
23 for her to have experienced.

24 Those kinds of sentiments were also expressed  
25 by Miss Robinson. She spent a great deal of time

1 actually living somewhere else because of what had  
2 happened. She was able to move in with somebody else  
3 for a short period of time. She told the victim  
4 advocate that she was very traumatized and that the most  
5 difficult times are between 8 o'clock in the evening and  
6 midnight. That is when she is the most frightened  
7 because that is when she was assaulted. She says that  
8 it will take her a long time to recover from this, and  
9 that she was also going to be seeking counseling, which  
10 she did.

11 Miss Sprewell indicated that she stayed at a  
12 girlfriend's home since this offense had occurred for  
13 quite a long time, and after she had gone to the  
14 hospital, although when she left she felt okay, by the  
15 time she got home she began what she described as the  
16 beginning of three very difficult days following this  
17 assault, and that she felt almost suicidal, that she  
18 didn't really quite know how to cope with what had  
19 happened to her.

20 Miss Robinson, Miss Washington and Miss  
21 Sprewell also had the additional burden of having  
22 children with them at the time that the assaults had  
23 happened, and all three of those women indicated to me  
24 that they felt that they needed to be strong for their  
25 children, and a lot of their decisions and what happened

1 reflected the fact that they were very concerned about  
2 their children both during the course of the assault and  
3 afterward, that their children not be traumatized just  
4 because the moms were traumatized by this. And I will  
5 talk about each of the -- of the cases specifically  
6 since this court has not had the opportunity to hear all  
7 the facts because Mr. Sanders took advantage of the fact  
8 that there were children in the rooms when he was making  
9 his threats to gain compliance to what he was asking  
10 them to do.

11 With respect to Miss Washington who was the  
12 first victim, this occurred in May of 1995, so we are  
13 almost two years now from the time that this happened.  
14 She was at home and she was in her bed when she was  
15 awakened because somebody was inside of her bedroom.  
16 Mr. Sanders put the covers over her face and she was  
17 finding it very difficult to breathe because he was  
18 pressing down. He then whispered to her, she described  
19 it as a menacing whisper, "Give me those rings, take  
20 them off." She was saying she couldn't breathe and she  
21 was struggling with him, and that he told her if you  
22 don't cooperate, I'm going to shoot you. He also  
23 repeated throughout the course of his crime with her,  
24 "Don't look at me, don't look at me, don't look 'cause  
25 I'm going to hurt you." He was trying to remove the



1 rings that were on her hand and he was unable to do so,  
2 so he ordered her to take them off.

3 She was then feeling that he was straddling  
4 over her and telling her not to move. And he asked her  
5 whether she had any more property, and she was directing  
6 him to different places in the room. He told her to  
7 keep her face covered, and he then removed the covers  
8 and put a pillow on to her face and she had to struggle  
9 again because it was very hard to breathe, and he  
10 continued to repeat to her, "Don't look at me."

11 Now this -- this aspect of the crime, the fact  
12 that he was essentially smothering these women during  
13 the course of what was happening, also served to help  
14 conceal his identity from them, and even though these  
15 weren't charged as concealing identity, clearly this is  
16 an aspect of the crime that the court needs to consider.

17 He twisted Miss Washington around and told  
18 her, "I'm going to hurt you. You don't want me to shoot  
19 you, do you." And as he was saying this, she was  
20 feeling small areas of pressure, he would move some  
21 object that was cold and hard on different points on her  
22 head and was telling her to just be still. She said  
23 that she continued to struggle and to wiggle as he was  
24 doing this because she was having such a hard time  
25 breathing.

1                   He then told her to open your legs, asked her  
2                   if she was a virgin, and asked her when was the last  
3                   time that she had sex. He pulled up her shirt,  
4                   revealing her breasts, took off the lower part of her  
5                   clothing that she was wearing. She said that she was  
6                   not only struggling at this point but was crying and  
7                   very afraid, and she was afraid for her life. He then  
8                   had an act of penis to vagina intercourse with her that  
9                   lasted, she said, a very short period of time, probably  
10                  three minutes, and that he was also fondling her breasts  
11                  while he was doing this.

12                  After he was finished, he then asked her  
13                  whether she had any more jewelry around and whether she  
14                  had money. He asked whether she had got a gun, and he  
15                  told her in her -- with respect to her responses that  
16                  she was telling him no, she didn't, that she better not  
17                  be lying because if he found something, and he left that  
18                  threat dangling.

19                  She could hear him opening her drawers, and  
20                  then he turned to her and he asked her if she was  
21                  scared. And she said yes, that she was. And she says  
22                  that he kind of chuckled at that. He continued to  
23                  rummage around the room, and then he started asking her  
24                  questions about her children, which she found very  
25                  frightening because she knew at that point that he knew

1 that she had children and that they were asleep in the  
2 house.

3 Mr. Sanders' activities in Miss Washington's  
4 house were interrupted by the return of Miss  
5 Washington's boyfriend. Mr. Washington (sic) had to  
6 make a very quick exit out of the bedroom window, and it  
7 was during this time when he was struggling with the  
8 window to get out that she was able to see him quite  
9 well because the light was shining in from the street on  
10 the window. They called 911 right away and ultimately  
11 they were able to locate the rings that he had stolen.

12 He told the police that he had given them to a  
13 person named Ann, and they located this person named Ann  
14 who in fact had the rings of Miss Washington, she  
15 identified them, and Ann identified Mr. Sanders whom she  
16 knew very well because he pawned quite a few things to  
17 her in the past, and she knew who he was and had agreed  
18 to buy these because Mr. Sanders assured her that they  
19 were not his mother's property.

20 Mr. Sanders made a statement--and I'll give a  
21 copy of Mr. Sanders' statement to the court so that the  
22 court can follow along if it wants to--about this. At  
23 the time that he was arrested. Now I'm offering this to  
24 the court because Mr. Sanders is now arguing that he did  
25 not do the sexual assaults, that it was somebody else.

1 The court will note that this is a very lengthy and  
2 detailed statement that he made to Detective Rozinski,  
3 and that throughout this entire statement he never  
4 mentions any other co-actor, he never mentions a person  
5 named Reginald Hart, and it is my belief based on all  
6 the facts in this case that I will give you that Mr.  
7 Sanders is making this up now because he doesn't want to  
8 admit to the worst of the things that happened.

9 What he did say about the case involving Miss  
10 Washington is that he entered the building through the  
11 back door that was unlocked. As he proceeded through  
12 the house, he saw a baby on a couch and then went to a  
13 bedroom and saw the lady on the bed. When he saw her,  
14 he felt like doing something. He covered her mouth with  
15 his hand and told her to take her clothes off. He then  
16 forced sex on her. He went through the dresser drawers.  
17 From on top of the dresser from a heart-shaped bowl he  
18 took two rings. He heard someone coming, opened the  
19 bedroom window, and went out. Those are the facts that  
20 Miss Washington would also indicate.

21 I specifically asked her what kinds of things  
22 she kept her jewelry in and she described, among other  
23 things, the heart-shaped bowl which he would not have  
24 been able to know if he hadn't been in the bedroom.

25 Which makes it absolutely incredible that some other



1 person could have been raping this woman while he stood  
2 there and went through the heart-shaped bowl without  
3 knowing it. He also wouldn't have known what he did in  
4 the room either, and I doubt that he would have admitted  
5 that he felt like doing something when he saw her on the  
6 bed if that in fact had not been the case.

7 The next victim was Miss Robinson. Miss  
8 Robinson was laying in the living room with her children  
9 at the time that Mr. Sanders entered her home. He  
10 grabbed a pillow and put it on her face and told her,  
11 "Don't look at me, I don't want you to see my face. I  
12 want you to tell me where the money is at, bitch." She  
13 told him she didn't have any because she had not gotten  
14 her check, and then he told her well, then you're going  
15 to have to give me some pussy.

16 At this point the baby who was on the same  
17 couch with Miss Robinson started to cry, and Miss  
18 Robinson started to struggle with Mr. Sanders. They  
19 even at one point were actually standing up, and at this  
20 point when she was face-to-face with Mr. Sanders she saw  
21 him quite clearly.

22 She said that he forced her back on to the  
23 couch which is again where this baby was, and this child  
24 grabbed on to Mr. Sanders' shoulders, apparently in this  
25 pathetic attempt to fight off this attacker of his

1 mother. He pushed the baby back and the baby fell back  
2 on to the couch, and he said to Miss Robinson, "I'll  
3 kill the baby if it's not quiet. I'll kill the little  
4 fucker if you don't do what I tell you." He had  
5 something in his hand but she couldn't see what it was,  
6 and he put it on the floor. He then pushed the pillow  
7 back on to her face very hard and was telling her to lay  
8 down and then the baby would lay down, too. "Just lay  
9 still and I won't have to hurt you." Miss Robinson says  
10 that she was absolutely terrified for her life and for  
11 her child's life.

12 Mr. Sanders then got on top of Miss Robinson  
13 and had an act of penis to vagina intercourse while he  
14 kept this pillow on her face. As he was getting up, she  
15 could hear him rummaging around the room. She heard him  
16 near the television set. She could hear him opening up  
17 her purse. She didn't know what he was taking at that  
18 point, and then he announced to her he was going out the  
19 front door.

20 When she got up and locked the front door, she  
21 saw that he had taken all of her food stamps which she  
22 would have used to feed her family and the \$12 in cash  
23 that she had as well. As in the case of Miss  
24 Washington, Miss Robinson noticed that apparently Mr.  
25 Sanders had been throughout portions of her house

1 because the lights that they had left on were now turned  
2 off.

3 Mr. Sanders talked about this incident as  
4 well, and he said that he got into Miss Robinson's house  
5 through an already open back window. He went and he  
6 looked around and he saw the woman on the couch with a  
7 baby. He saw some food stamps on top of the TV and he  
8 took them. His stuff got hard and he wanted some. He  
9 went to her and put his hand over her mouth. He asked  
10 her if she had any money, and she said she had some food  
11 stamps. She had a nightgown and panties on. He got on  
12 top of her and forced sex on her, and then he left out  
13 the front door. He had to unlock the front door in  
14 order to get out. Again, it is just not credible to  
15 believe that Mr. Sanders was not the person who  
16 committed this sexual assault as well.

17 The third victim was a child. This child was  
18 living in a foster home because her life has already  
19 been somewhat bad at that point. Miss Redmond, who I  
20 met recently, is doing better now than she had been at  
21 the time that this was happening only because I think  
22 she is a very remarkable person. She was awakened  
23 because there was a fan, a window fan in her room that  
24 fell on to her arm. It fell because Mr. Sanders was  
25 crawling in through that window. He then placed a

1 pillow on her head and forced her back down on the bed.  
2 She had sat up at this point because she -- somebody was  
3 climbing into the window and she was screaming. He said  
4 to her, "Shut up, or I'll blow your head off." He  
5 finished climbing in through the window as he was saying  
6 this and continued to hold this pillow over her head.  
7 He told her, "If you scream or make any noise, I'll blow  
8 your head off," and just like Miss Washington, she could  
9 feel something cold and hard pressed against the side of  
10 her head. He forced an act of penis to vagina sexual  
11 intercourse with this 14-year-old girl and asked her if  
12 she had any money, to which she responded no, and taking  
13 advantage of this child's age, and it's very interesting  
14 to me that Mr. Sanders used the particular threats he  
15 did with the particular victims because I think that it  
16 evidences some pretty sophisticated criminal thinking on  
17 his part. To this child victim he told her, "If you  
18 tell, I'll blow up the house." It was very interesting  
19 because he did not make any kind of statement about  
20 telling or anything like that with any of the adult  
21 victims, he only chose to do that with this child  
22 victim. He then climbed out of the window and she ran  
23 out of the room screaming.

24 Mr. Sanders remembered this incident as well.  
25 He said he went to the side of this house and pushed the



1 fan in and climbed into the window. He told Detective  
2 Rozinski that at first he didn't see her, but then he  
3 came back to her room after going through the house and  
4 saw -- she saw him and started to yell, so he covered  
5 her face with a pillow. He got on top of her and he  
6 forced sex, and after the sex he then went out the  
7 window that he had entered. He even remembered the  
8 shoes that he was wearing when he committed that  
9 particular assault, and I suspect that the officer was  
10 asking him because there was a -- a footprint with an  
11 Adidas tennis shoe that had been left outside the  
12 window.

13 The last victim, Miss Sprewell, had had a baby  
14 a few weeks before the sexual assault had occurred and  
15 she was sleeping in her bedroom with her two children,  
16 one of whom was this infant, when she was awakened by  
17 the defendant who was armed with some sort of a dark  
18 handgun, although she did not get a very good look at  
19 it. She was awakened because he told her, "Bitch, if  
20 you scream, I'll kill you." And as he was saying this  
21 to her, she was feeling this gun next to her right  
22 temple. He then shoved a green silk shirt into her  
23 mouth and held it over her mouth and pushed it down her  
24 throat so that she could not scream. He told her to get  
25 down on her knees. There was a small waitress that was

1 on the floor next to the bed, and that's what she knelt  
2 down on.

3 He then asked her what valuable things she had  
4 and she told him to take her TV. She also told him that  
5 all the money she had was in the top drawer. Mr.  
6 Sanders said, "Well, I have to have something. I've got  
7 to have some pussy." Miss Sprewell begged with him.  
8 She said don't you see my kids, don't you see my  
9 newborn. And he said well then you've got to suck my  
10 dick. She didn't want to do that. She was telling him  
11 no, and he said then I'll kill you.

12 He then pushed her head on to his penis saying  
13 make me -- I'm sorry, she said making me suck and deep  
14 throat -- and that he was pushing her so far down into  
15 her throat that she gagged. She begged him please don't  
16 do this, you're making me gag, and he got very angry  
17 with her and he told her, "I got to have me some pussy  
18 then." He forced her to lay down, pulled off her  
19 underpants and threw them on the floor, and then had an  
20 act of penis to vagina intercourse with her.

21 During this time he had laid the gun that he  
22 had in his hand down on the floor next to her, and once  
23 he was finished with the sex act, he began to feel under  
24 the mattress looking for something. She suspected it  
25 was money. He then said to her, "Well, I guess I've got

1 to kill you." He continued to ask her questions like  
2 what have you got, do you got money, do you got a pager,  
3 and she again repeated to him that she had some money in  
4 the top drawer. He continued to tell her that he was  
5 going to kill her and ask her whether she was going to  
6 call the police. And she says that she was so very  
7 afraid because she believed that he would.

8 Mr. Sanders said of this particular assault  
9 that he had seen the lights on at the back part of the  
10 house and thought there was no one home. He tried to  
11 open up some windows and found one that had a wooden  
12 screen part way pushed out. Mr. Sanders had to work  
13 very hard to get into Miss Sprewell's apartment because  
14 the -- the police found that virtually every window on  
15 the house had been pried or tampered with before Mr.  
16 Sanders was eventually able to make his way in. He used  
17 an orange milk crate to get in which he told the  
18 officers about, and in fact there was an orange milk  
19 crate that was underneath the window that was ultimately  
20 opened by Mr. Sanders.

21 He went in to a bedroom, went through that  
22 room, looked around the rest of the house and then he  
23 went into a room that had lot of toys in it but he  
24 didn't see anything that he wanted to take. He then  
25 went into a bedroom. This is perhaps the most chilling

1 statement that he makes here. And he saw a woman on the  
2 bed sleeping. She was wearing a silk nightgown and he  
3 could see her pubic hair. She had two children in bed  
4 with her. He shook her and asked her if she had  
5 anything worth money. She was going to yell, so he put  
6 a green shirt into her mouth. He -- she told him to  
7 take the TV and was struggling with her. He then told  
8 her that he would shoot her. She asked him not to hurt  
9 her baby. There was a small mattress on the floor and  
10 he told her to get on it. He did not want to wake the  
11 baby. He told her he wanted to have sex with her, and  
12 she told him that she could not have sex because she had  
13 just had a baby. She then did oral sex on him. She was  
14 not doing it right and he pulled out of her. He then  
15 got on top of her and forced sex. She told him she had  
16 seven dollars. He asked her where, and she then  
17 described that -- where it was. He left out the window,  
18 and he referred to "sex," what he means by sex as penis  
19 to vagina intercourse.

20 Mr. Sanders was caught because he was becoming  
21 more careless. He had left his fingerprints on the  
22 inside and outside of the windows at Miss Sprewell's  
23 house, and he had left his fingerprints on windows that  
24 were just down the street from her when he attempted to  
25 commit two burglaries that were two days before this



1 particular sexual assault.

2 Mr. Sanders was positively identified as an  
3 individual who attempted to get into the home of a woman  
4 named Katherine Wright who described to the victim  
5 advocates that she just felt very lucky knowing what  
6 else he had done that she was not victimized by him in  
7 the way that these other women had. Mr. Sanders  
8 apparently abandoned that burglary when he was unable to  
9 get in, and went next door and he was able to get in  
10 there. Again, not only leaving his screwdriver behind,  
11 but also leaving his fingerprints behind, and so the  
12 police were able to match up his fingerprints with those  
13 of this particular burglary.

14 The victims, some of them were able to also  
15 positively identify Mr. Sanders, and of course Mr.  
16 Sanders agreed that he was in fact the culprit in all of  
17 these crimes.

18 I don't think that I need to point out to the  
19 court in great detail that these are horrific crimes.  
20 These were planned, premeditated crimes that are the  
21 worst kind of crimes people can commit short of  
22 homicide. They are the kind of crimes that will visit  
23 these women over and over again throughout their lives.  
24 Everybody would like to feel safe inside of their own  
25 home, and Mr. Sanders repeatedly and routinely for him

1       terrorized people inside the sanctity of their own home  
2       and used against them the kinds of things that normally  
3       bring joy to a person's life, like the lives of their  
4       children. I will be surprised if these women ever  
5       completely recover from this because in my experience  
6       and in the studying that I have done, this is the kind  
7       of crime that stays with you pretty much forever.

8               The things that Miss Washington and Miss  
9       Sprewell and Miss Robinson described as to how they felt  
10      during and after these assaults are very typical and  
11      classic kinds of reactions. The security that you felt  
12      in your own home is completely robbed from you, and you  
13      are vulnerable forever with those feelings that you are  
14      never completely safe anywhere.

15             You also have to deal with the fact that you  
16      were violated in a humiliating way. It is very clear  
17      here that Mr. Sanders made a quick decision in each  
18      occasion to sexually assault these women, and the way  
19      that he describes it is so frightening because to them  
20      he was -- to him, they were merely receptacles for his  
21      need that apparently arose in a flash. He victimized a  
22      juvenile as part -- as one of his victims here, and he  
23      did these horrible crimes in front of the children of  
24      these other women.

25             Mr. Sanders started out each of these cases

1 what he claims as a burglary, that he was planning  
2 specifically to do these kinds of crimes around the 1st  
3 of the month because he knew that people got their  
4 checks then, and he was trying to support his drug  
5 habit. So he needed to get money.

6 That -- this is ruthless. He is just  
7 absolutely ruthless, and he is the kind of person that  
8 people look at and would describe very accurately as a  
9 predator. He's the kind of person from whom the  
10 community has a great fear. There is absolutely no  
11 empathy for the victims that is described in his  
12 statement that the court has in front of it, and there  
13 is no empathy for the victims that appears in his  
14 presentence investigation either.

15 Now he is hiding behind this Alford plea and  
16 this foolish story that somebody else did it, which  
17 makes him a continued gigantic risk in this community in  
18 terms of his character and his rehabilitative needs.

19 Now Mr. Sanders has what can only fairly be  
20 described as a pretty bleak life. He has experienced  
21 much violence in his own life, both at the hands of his  
22 father and also because of what he has seen within his  
23 family in terms of his brother being killed. The reason  
24 that he came here to Milwaukee was supposedly to escape  
25 the violence of Chicago. He had gotten involved with

1 people and now his life was at risk. That's why he had  
2 to leave that school at this young age of 14 so that he  
3 could come up here and perhaps live out a better life.

4 But when Mr. Jennings was talking with the  
5 police, he said that -- he confirmed that that was in  
6 fact the reason or one of the reasons that he had moved  
7 here. He said that Rico moved here in January of 1995.  
8 Well as the court can see, it took him less than five  
9 months to get hooked up with the bad kinds of activities  
10 that he was hooked up with in Chicago, and he was  
11 committing heinous, heinous crimes.

12 The court should know that I did contact the  
13 city of Chicago department that is responsible for this  
14 report that was generated regarding all of these 1994  
15 and 1995 contacts that he has with their juvenile  
16 justice system. Every single one of those is in a bench  
17 warrant status. These are not convictions, only because  
18 Mr. Sanders has never appeared in court with respect to  
19 being held accountable. These were not dismissed, they  
20 are all still open cases in the city of Chicago. And as  
21 the court can see, his behaviors there were already  
22 related to a lot of the same kinds of behavior that he  
23 was doing up here within the few short months that he  
24 was here. He was using drugs, he was stealing things,  
25 he was going into homes and places where he had no



1 business going, and he was even dealing drugs. All of  
2 those things are very serious for a person as young as  
3 Mr. Sanders, and I find it disingenuous to believe that  
4 he had any intention of changing his ways.

5 Mr. Jennings also indicated that he kicked Mr.  
6 Sanders out when he was talking with the police.  
7 Because Mr. Sanders was hanging out with bad guys, that  
8 he was hanging out with gang members in this first five  
9 months when he was here. Now I understand that Mr.  
10 Jennings has a good deal of feeling for his brother, and  
11 that's quite obvious. I think it takes a lot to -- to  
12 bring a teenager into your house with the expectation  
13 that you're going to be the supervisor, you're going to  
14 be the person who is going to be responsible for a kid  
15 who is pretty much of a handful.

16 I think that Mr. Jennings' statements to the  
17 police when he was talking with them as they were  
18 looking for Mr. Sanders in August of 19 -- or September  
19 of 1995 are -- are interestingly different from the  
20 statements that he makes now. The family members in  
21 their statements to, even -- even to the reporters that  
22 are contained in the back of this report are very  
23 different from the picture that they're trying to paint  
24 of Mr. Sanders now. They do say that he was a very  
25 confused kid, and they attribute that to the problems

1 that he had with his brother being killed and with the  
2 issues related to his father.

3 I would take issue with the characterization,  
4 however, that he's close to his mother. The woman who  
5 was living with Mr. Jennings, I don't know if she still  
6 is or not, says they didn't even know how to get in  
7 touch with Miss Sanders once Rico got -- excuse me,  
8 began living here. And that he was staying with them  
9 because the mom had her own drug and alcohol problems to  
10 deal with. Mr. Sanders made comments to people at  
11 Children's Court that he actually kind of enjoyed living  
12 with his mom because when she would become drunk or  
13 high, then he could steal money from her more easily.  
14 So that's really a rather callous attitude that he  
15 takes, and it belies the statement that he -- he's so  
16 close to his mom or that his mom is able to really  
17 control him.

18 Miss Bush (sic) also indicated that during the  
19 time period that Mr. Sanders was living with them, she  
20 was unsure of when he would come and go, so it appears  
21 that Mr. Sanders was sort of doing what he wanted to do  
22 no matter where it is that he lived.

23 He -- he did hang around with the gang members  
24 that were called Gangster Disciples. There are some  
25 other references in the juvenile records also to his

1 gang affiliations, and I would agree with the agent's  
2 assessment here as well that when we look at all the  
3 different documents that we have regarding Mr. Sanders,  
4 he does show very little emotion or affect about any of  
5 these things that he has done. He even denies sexually  
6 assaulting these people, and it's frightening that a  
7 person of Mr. Sanders' age could be so cold. What that  
8 indicates to me is that it will be very unlikely that he  
9 will positively respond to treatment. We can hope that  
10 he will.

11 He also has what can only be described as a  
12 very substantial drug and alcohol problem. This young  
13 man is heavily involved not only into using but in  
14 selling so that he can support his own habit, and in  
15 addition to doing that he has chosen this very criminal  
16 lifestyle and this -- criminal people when he has had  
17 other options.

18 His brother strikes me as a person who was  
19 very interested in helping his little brother out. His  
20 brother seems to be a more stable person, has a job,  
21 has -- has opened or had opened his home to his little  
22 brother, and what he got in return was Mr. Sanders  
23 abusing that privilege and instead running the streets,  
24 climbing into people's homes at night, stealing things  
25 from them and using drugs.

1 THE COURT: I'd ask you to please summarize

2 MS. FALK: Uh-huh. Finally there are the  
3 interests of the community in protection and punishment.  
4 This is -- this is the kind of crime that people are  
5 just completely outraged about, and these are the people  
6 that the community is very scared of. Mr. Sanders  
7 represents the face of -- of what everybody would  
8 consider to be a menace to this community.

9 Mr. Sanders' treatment needs are huge, and his  
10 motivation, his insight into this seem to be very  
11 minimal. One of the things that I would want to remind  
12 the court of is that Mr. Sanders, I believe, based on  
13 everything that we have about Mr. Sanders including his  
14 behavior over the course of all these various competency  
15 hearings, is actually a very clever person who plays the  
16 game really well.

17 Mr. Sanders successfully escaped from  
18 Children's Court when he was there on these charges.  
19 Mr. Sanders, I believe, played a game with the courts  
20 about his competency issues. The court can see that  
21 while he was trying to persuade people that he was a  
22 very stupid individual who could do just about nothing,  
23 didn't really know what his name was or what his age was  
24 or money or anything like that, when in the living  
25 circumstances where apparently he was unaware that he



1 was being very carefully watched was exactly the  
2 opposite of that.

3 Mr. Sanders is a dangerous person because of  
4 that. He is willing to manipulate and to change and to  
5 play these kinds of games for his own ends. I consider  
6 his statements now that there was this other person,  
7 this other actor as part of this, to be again an effort  
8 on his part to try to deflect the attention for the  
9 really bad things from him where the attention belongs  
10 to somebody else. All of those things indicate that Mr.  
11 Sanders is a very dangerous man and he needs to be  
12 incarcerated for a long period of time. That is why the  
13 state is recommending this range of 50 to 70 years. Mr.  
14 Sanders has so many treatment needs and he is such a  
15 dangerous person that the community deserves to have the  
16 assurance that Mr. Sanders will not be available as a  
17 menace to this community for a very long period of time.  
18 This also will enable Mr. Sanders within the prison  
19 system to obtain the help that he very, very much needs.

20 I'm not even sure where they're going to start  
21 with Mr. Sanders. He has his substance abuse needs, he  
22 has vocational needs. He has sex offender needs. He  
23 has criminal thinking needs. Mr. Sanders has many, many  
24 needs, and it will take a very long time to address  
25 those needs.

1 I also feel that due to his age, there is the  
2 need to have extra protection for the community once he  
3 will be paroled, and that will be in the form of a very  
4 lengthy period of probation so that he can be very  
5 closely supervised, and if he does not succeed in the  
6 community, that there is a heavy hammer hanging over his  
7 head such that he would go back to the state of  
8 incarceration should he not follow through with the  
9 demands of his parole and his probation officer. I  
10 think that is the only way to protect this community  
11 from somebody like Mr. Sanders and the only assurance  
12 that we have that he will not offend in the future.

13 THE COURT: Okay. Mr. Love.

14 MR. LOVE: Thank you, Your Honor. Judge, I'm  
15 going to ask you to make certain assumptions. In this  
16 case. Assume that the people who make reports and  
17 submit them to you do not provide you with precise and  
18 consistently accurate information because that  
19 information is filtered through their perceptions and  
20 through their analysis, through their disciplines and  
21 through their biases. I've seen that in this case.

22 Some of those things that were addressed by  
23 Mrs. Falk I think are valid. Some of the representa-  
24 tations that she makes to you I think are accurate. I  
25 take exception to some of them as well. Wasn't too many

1 months ago that this court had to sentence a young man  
2 for murder, for an execution type murder, and that young  
3 man went away for a long, long time. That man that this  
4 court imposed that sentence on had a background that was  
5 180 degrees different than that of Mr. Sanders. He had  
6 opportunity. He had support and family. And he had  
7 personal resources that were strong, and his performance  
8 in the community had up until that time been almost  
9 exemplary, and this court had to interpose a harsh and  
10 severe sentence.

11 While Mr. Sanders is accused and has pled to  
12 lesser crimes in the scale of offenses that are  
13 promulgated in this state, I agree with Mrs. Falk that  
14 they are horrendous. The question I think is, I think  
15 simply what is to be done to Mr. Sanders. Is this a  
16 knee jerk reflex that we're -- we're all engaging in  
17 here when we have a young man with this history and  
18 these offenses. Are we simply crossing the "T"s and  
19 dotting the "I"s when we know that no matter what I say,  
20 no matter what his family says, that in view of the  
21 facts of these offenses, that there's no hope for him,  
22 that he's going to be warehoused for the rest of his  
23 practical life, just on the basis of these offenses and  
24 facts. I would hope not. I can't tell you what my  
25 expectation is.

1 I noted when I received this case, I am the  
2 third lawyer in this case, Judge. That Mr. Sanders was  
3 waived from juvenile or from Children's Court. The  
4 Mental Health Complex on June 7th, 1996, submitted a  
5 report to Judge Sykes and listed date of birth for Rico  
6 Sanders as November 10th, 1978. His family tells me  
7 that that's not his date of birth. His date of birth is  
8 11/10/79. That meant that when he was waived, he was  
9 waived on the assumption that he was 17-and-a-half when  
10 he was 16-and-a-half. I don't know and I suspect that  
11 it doesn't have any jurisdictional significance with  
12 respect to the waiver. It may factually in that had  
13 that been raised, the court would have taken that into  
14 account in its determination for waiver. That is a  
15 post-conviction issue. But I want you to know that the  
16 young man that sits before you today was 16 and a few  
17 months when these crimes were committed --

18 MS. FALK: Excuse me, I hate to interrupt. I  
19 just want the court to know we did get a certified copy  
20 of his birth certificate before we did the waiver  
21 hearing and I did have a copy of it, so the court was  
22 aware of that at the time was November 10th, 1979.

23 THE COURT: Thank you, just move the  
24 microphone closer.

25 MR. LOVE: That's information I did not have.



1 THE COURT: Okay.

2 MR. LOVE: All right.

3 THE COURT: Let's move on, past that.

4 MR. LOVE: All right, Judge, I'll move on.

5 The point is, Judge, for the majority of Rico Sanders'  
6 life, he has been assaulted by his environment. We live  
7 in Milwaukee that is a microcosm of what's going on in  
8 Chicago. I don't think anybody here in this courtroom  
9 who has not lived in the ghetto has any idea, has any  
10 idea of what Rico Sanders experienced as a child and how  
11 that affects the person and how that has created the  
12 person that sits next to me.

13 These victims of these cases experienced  
14 horrendous events, horrendous. But they were isolated.  
15 Rico Sanders had to live with an environment like that  
16 continually. It wasn't -- they weren't isolated  
17 incidents. He bears the scars on his head now of being  
18 beaten brutally near death when he was a child. He was  
19 shot several times when he was a child. And that was in  
20 his environment. That was in his community. That was a  
21 day-by-day atmosphere that he had to deal with.

22 If we're to believe that his family had  
23 problems, that they were dysfunctional, that was his  
24 environment. If we're to believe that in fact that he  
25 had disabilities, mental disabilities, that was his

1 environment. That's the -- the -- the -- the basic clay  
2 that was presented to be molded in this environment. It  
3 was flawed. It needed expensive and consistent and --  
4 and -- and in-depth attention. It was unrealistic to  
5 ever expect something like that to happen for Rico.

6 He had made attachments in his family and they  
7 were taken away from him. Now how does -- how does a  
8 young man and a boy, if you will, respond to the murder  
9 of his brother, the death of his father, being attacked  
10 by his peers in his community, beaten and shot, and then  
11 uprooted and coming to a community where all he really  
12 knows is to survive, and he's reduced to a fairly low  
13 creature. He has been. To disregard those factors is  
14 to turn a blind eye to reality.

15 Nothing that I'm trying to -- I'm saying here  
16 in any way is -- is -- is to suggest that there's an  
17 excuse and an enablement, a license, for Rico to act as  
18 it is claimed that he has acted. I have seen the  
19 statements that are attributed to Rico Sanders in the  
20 discovery material provided me by the state. As it was  
21 recited to this court, it is interspersed with other  
22 facts. Those statements were embellished by other data  
23 that the district attorney had and incorporated into the  
24 account of what happened. These statements were not the  
25 written product of Rico Sanders. These are the

1 statements that had been provided by the police officers  
2 after his investigation or her investigation of the  
3 facts in this case and her confront -- their  
4 confrontation of Rico in custody. Those issues about  
5 the reliability of those statements are -- are gone for  
6 us at this hearing. We can't deal with those. Rico has  
7 elected to enter his pleas.

8 One of the things that I've been primarily  
9 concerned with, Judge, is the degree to which Rico I  
10 believe has been affected by the drugs that he's  
11 ingested. Taking hallucinogen, LSD, which is an  
12 insidious drug, and as I understand it can affect a  
13 person long after the initial intake. It's not uncommon  
14 for people to have flashbacks and disabilities and  
15 hallucinations far into the future after using these  
16 drugs.

17 If you take a look at the account given in  
18 this case by the report of the Probation Department,  
19 Rico had, and it's acknowledged by the state, tremendous  
20 substance abuse problems. I would submit to the court  
21 that those -- those problems -- those needs were so  
22 substantial that they affected Rico who committed these  
23 crimes in the course of satisfying those needs. Nobody  
24 disputes that.

25 What happened to these women, to these

1 children, is unconscionable. If the only thing that we  
2 can do here is warehouse Rico for the rest of his  
3 practical natural life, then there's very little hope  
4 for this system in my view, and there's very little  
5 meaning to these sentencing procedures.

6 What I would ask the court to do here is to  
7 fashion a sentence that will give Rico the chance to  
8 have some of his life left when he gets out of -- when  
9 he gets out of an institution. I believe he has  
10 abilities.

11 I think that it's impressive and significant  
12 that the presentence writer when he encountered Rico in  
13 the jail encountered a person he didn't expect to meet.  
14 Based on everything that that person had read, he  
15 believed that Rico would be withdrawn, uncommunicative,  
16 perhaps act in bizarre fashion. That wasn't the case.  
17 And I can tell you that hasn't been my experience  
18 either. I think that Rico has finally become clean. I  
19 think that Rico no longer is disabled or affected by the  
20 drugs that he's been taking. I think that those drugs  
21 would affect him and I think they phased. I think that  
22 there were times when he was more affected than not. I  
23 think they were in his system and intermittently they  
24 would surface and make things difficult for him.

25 Now notwithstanding those statements that are



1 attributed to Rico, it is my understanding that there is  
2 a history in this case that does reflect on another  
3 individual. That that individual was named to the  
4 prosecution by previous counsel, and that a request or  
5 at least an inquiry was made as to whether or not there  
6 was any interest in pursuing that. As I understand it,  
7 the state was not interested and maybe for good reason.  
8 I don't know what the dynamics were of that transaction,  
9 but I just -- it's my understanding, at my late entry  
10 into this case, that that was some of the history.

11 Nevertheless, Mr. Sanders is here to be  
12 sentenced. He's going to be gone for a long time no  
13 matter what kind of sentence the court imposes. I'm  
14 just asking that if this clay can be remolded, if  
15 there's that possibility that somebody imprint on it  
16 something positive and that -- that the man that comes  
17 out of this prison is not the risk that we all fear, is  
18 not the same person that we're putting in, that that  
19 chance be given to him.

20 I don't know how long it will take for him to  
21 be rehabilitated or that if he can be rehabilitated.  
22 Sometimes just the passage of time provides for that. I  
23 hope and pray that it will happen for Rico. He was 16  
24 years old when these crimes happened. They are  
25 terrible. But the man who is 30 will not be the boy who

1 was 16 who committed these crimes, just by virtue of the  
2 passage of time. If we can overlay that passage of time  
3 with some positive treatment--I don't know if it's  
4 realistic to expect that in the institution--but if it's  
5 there and Rico's motivated to make use of it, then I  
6 would hope that that could combine with his freedom.

7 I'm asking the court to consider some  
8 concurrency in these sentences. I'm asking the court  
9 not to warehouse him for 50 years. I'm asking the court  
10 for a sentence that it must objectively fashion that  
11 will give this person a chance to realize a positive  
12 and -- and hopefully a chance to -- to be a rehabili-  
13 tated or at least a person who has -- has paid his price  
14 and allow him to do that with some life left for him.  
15 Something positive, and something at least meaningful.

16 He has family here today who are deeply  
17 concerned, but they live in the same -- the mother lives  
18 in that environment that -- that war zone in Chicago.  
19 In speaking to me, they can articulate their feelings  
20 and their surprise. They don't believe that Rico did  
21 these things. They don't want to believe that he did  
22 these things. But they know the hard life that he's  
23 had, they know how he's been impacted, they know he's  
24 been near death on two occasions, and they're here in  
25 the hope that there will be some mercy shown to their

1 son and to their brother. And I think that can be done.

2 And I'm asking the court to do that without  
3 diminishing the seriousness of these offenses, without  
4 disregarding the needs and -- and the impact of these  
5 victims. I'm just asking the court to at least consider  
6 the youth of this young man, his background, and the  
7 fact that whatever sentence that is imposed is an  
8 opportunity for him, to give him that chance even though  
9 we don't know that the quality of -- of treatment and  
10 care is going to effectuate that, at least give him that  
11 chance.

12 Now I have a letter that I've shown to  
13 counsel. It's -- it's a brief letter from a pastor in  
14 Chicago, the family asked me to give that to you. I  
15 concluded my remarks. It may be that members of the  
16 family would like to say something on Mr. Sanders'  
17 behalf. Anybody here would like to say something for  
18 Rico? His mother would. If that's all right with the  
19 court.

20 THE COURT: Yeah, I'll permit up to two  
21 members of the family to make a statement. They'll step  
22 forward here. One at a time. Okay, I'll limit it to  
23 two.

24 CLERK: Would you state your name, please.

25 MS. SANDERS: My name is Pearline Mahomes

1 Sanders.

2 CLERK: Pearlie is spelled how?

3 MS. SANDERS: P-e-a-r-l-i-n-e.

4 CLERK: Okay.

5 MS. SANDERS: L-i-n-e. Mahomes spelled

6 M-a-h-o-m-e-s. Sanders is S-a-n-d-e-r-s.

7 CLERK: Thank you.

8 THE COURT: You're the mother of the  
9 defendant?

10 MS. SANDERS: Yes, sir.

11 THE COURT: And what do you want to say  
12 regarding his sentence?

13 MS. SANDERS: It's kind of hard for me to say  
14 anything. Your Honor, I've had -- I've lost one -- one  
15 son in death. And look like to me I'll lose another  
16 one. I don't know whether you're a parent or not, but  
17 this have been really, really hard on me. I will make  
18 it very short. Just want my child to have a second  
19 chance at life because he didn't have any kind of -- he  
20 haven't had any kind of life. I didn't get him the help  
21 he needed when he lost his brother. His brother was a  
22 father figure for him, and it's just been a really bad,  
23 bad life for my child. So I'm asking you to have mercy  
24 on him, please. I just don't want to lose another son.  
25 That's all I needed to say.



1 THE COURT: Thank you.

2 MS. SANDERS: And if he did these crimes, I  
3 apologize to the ladies that it happened to. I thank  
4 you.

5 CLERK: Would you tell us your name, please.

6 MS. RHYMES: Good morning, Your Honor. My  
7 name is Eloise Rhymes. E-l-o-i-s-e. R-h-y-m-e-s.

8 CLERK: Thank you.

9 THE COURT: How are you related to the  
10 defendant?

11 MS. RHYMES: I'm Rico's aunt.

12 THE COURT: And what do you want to say on his  
13 behalf.

14 MS. RHYMES: First of all, I would like to say  
15 that I'm sorry to the families of the victims and to the  
16 victims. I've known Rico all his life. There is no  
17 excuse for any kind of crime. I know Rico has been into  
18 some trouble, but never, none of the trouble that some  
19 of this is I've heard, and I've heard quite a lot and  
20 read quite a lot. But Rico is a young man that has had  
21 problems, and I know sentences must be imposed, and on  
22 behalf of my family, we're asking for a little mercy and  
23 little leniency.

24 THE COURT: Thank you.

25 MS. RHYMES: And we are also asking that Rico

1 get some counseling because he does need counseling.  
2 And I truly hope that he did not commit most of these  
3 acts. I'm sorry if he committed any, but some of these  
4 acts I'm -- I was just truly surprised to hear. And I  
5 thank you, Your Honor.

6 THE COURT: Thank you very much. Mr. Sanders,  
7 is there anything you want to say prior to sentencing?

8 DEFENDANT: Sorry for the victims. I  
9 apologize to the victims. That's about it.

10 THE COURT: Okay. Well for sentencing, I have  
11 to consider the nature of these crimes, and I've been  
12 assigned to the Homicide/Sexual Assault Unit on two  
13 occasions, which means I've handled hundreds of sexual  
14 assaults over the last three years, in the high  
15 hundreds. So nothing should shock me nowadays, but  
16 comparing these sexual assaults with others, these are  
17 some of the most horrific and horrible sexual assaults  
18 that I've seen, and I think maybe that word is sometimes  
19 overused, "horrific," but I'm not sitting here seeing my  
20 fourth and fifth sexual assault sentencing. I'm seeing,  
21 as I indicated, one of several hundred. So I can  
22 compare each, and these sexual assaults are just beyond  
23 belief.

24 The state has gone into detail as to each one.  
25 I'm going to briefly summarize them because I have to

1 consider the nature of the offense. I will take in  
2 consideration the specific facts as set forth by the  
3 state and the specific facts set forth in the criminal  
4 complaint including the defendant's admission as to  
5 count 1, the sexual assault of Yolanda Washington, which  
6 was on May 1st, 1995. And as the state pointed out, was  
7 shortly after he moved to Milwaukee and was wanted on  
8 warrants in Chicago.

9 He broke into a home, and I'm going to  
10 consider these are home invasions which I think is an  
11 aggravating factor. Got jewelry, and the court will  
12 consider the armed -- burglaries and armed burglaries  
13 that were dismissed and read in for sentencing purposes,  
14 and the court will consider the burglaries also only for  
15 sentencing purposes. Obviously he can't be sentenced on  
16 each count.

17 But as to Miss Washington, he threatened to  
18 kill her by putting a gun to her head. You can imagine  
19 what she thought at that point even prior to the sexual  
20 assault, put a pillow on her face and forced her to have  
21 sex.

22 On August 2nd as to Tracy Robinson, which is  
23 count 4, and I should add I have to consider that --  
24 going back to Yolanda Washington, there is an armed  
25 burglary which he is to be sentenced for. He threatened

1 the imminent use of force against her and robbed her of  
2 her valuables, and the state -- specifically her  
3 jewelry.

4 As to count 4, as to Tracy Robinson, as the  
5 presentence said, he followed the same modus operandi  
6 with the above victim breaking into the home. This was  
7 even -- this one was even more aggravating than the  
8 first one in the sense there was a baby there, pushed  
9 the baby off and told the victim, keep the baby quiet or  
10 he'd kill the baby. And then went along with -- and he  
11 also robbed the offender of \$551 in food stamps.

12 As to count 6, the first degree sexual assault  
13 of Yvonne Redmond, that happened on August 2nd, 1995,  
14 and she's the one who state pointed out suddenly felt a  
15 fan fall on top of her and she observed offender coming  
16 through the window, another home invasion. He put a  
17 pillow on the victim's face as he did in the first  
18 incident, threatened to kill her and blow up the house.  
19 The defendant sexually assaulted her.

20 CLERK: Was that August 9th, Your Honor?

21 THE COURT: The presentence says August 2nd,  
22 the criminal complaint says August 9th. Which date is  
23 correct? I assume the criminal complaint,

24 MS. FALK: August 9th is the date.

25 THE COURT: Okay, the presentence then is



1 wrong. It would be August 9th.

2 As to count 8, September 5th, 1995, sexual  
3 assault of Miss Sprewell and again this is another home  
4 invasion. 3:00 a.m. he had a gun -- he put a gun to her  
5 head and the victim screamed, he threatened to kill her.  
6 He shoved her shirt in her mouth. The offender ordered  
7 the victim to give him her valuables and demanded to  
8 have sex. And again the state went into details how she  
9 said she just had a baby, she couldn't have sex. He  
10 forced her to have oral sex. When that wasn't  
11 satisfying, he proceeded to sexually assault her, penis  
12 to vagina, which was count 9. So all these sexual  
13 assaults were violent.

14 The armed burglary as to count 3 were violent  
15 involving guns, some involving close to the head, two  
16 involving threatening to kill young children. As I  
17 indicated, compared to hundreds of others I've seen,  
18 this is one of the worst if not the worst sexual assault  
19 I've seen.

20 I also should -- counsel brought up the fact  
21 that the defendant is a product of the inner city and  
22 has been traumatized. The victims in this case were  
23 living, I will say in the inner city. They weren't  
24 suburbanites. This happened at 50th and Center, almost  
25 in the same area, every single one, an area where I grew

1 up in. So this is someone who, violence begets  
2 violence, he committed upon his fellow members of the  
3 inner city.

4 As to the defendant's prior record and  
5 character, as we discussed, he was arrested in Illinois,  
6 Chicago. Possession of stolen autos on January 5th,  
7 1994. Juvenile arrest warrant issued, JAW, which is  
8 still out. April 15th, '95, possession of controlled  
9 substance, juvenile arrest warrant. August 9th, 1994,  
10 possession of stolen auto. Criminal trespass to  
11 vehicle. Ethnic intimidation, whatever that means.  
12 Theft of auto again, a juvenile arrest warrant issued.  
13 Burglary to auto, attempted theft of auto, criminal  
14 trespass to vehicle. Criminal damage to property on  
15 November 29th, 1994, again a juvenile arrest warrant.  
16 December 20th, '94, possession of controlled substance  
17 and delivery of controlled substance. Again a juvenile  
18 arrest warrant.

19 One could argue that he came to Milwaukee not  
20 to escape Chicago, that can be a reasonable inference,  
21 or the violence of Chicago, because we have our own  
22 violence here, but to avoid prosecution in Illinois,  
23 specifically Chicago. I have to consider the  
24 defendant's character, and one of the things I can  
25 consider for character is the fact he was an absconder

1 from Illinois.

2 I also can consider the violent nature of  
3 these offenses. It shows someone who's willing and  
4 might have killed these women if they didn't consent.  
5 It's also frightening when you consider character when  
6 in the presentence report as pointed out by defense  
7 counsel, the presentence writer expected to see someone  
8 who would act more bizarre, but she was struck or he was  
9 struck--it's a male--that he expected to be -- the  
10 offender to behave in a bizarre fashion. "Quite  
11 frankly, this agent was surprised the offender behaved  
12 like any other offender this agent has interviewed. As  
13 a matter of fact, had the agent not read the  
14 psychological reports, this agent would have thought the  
15 offender was like any other offender this agent had  
16 interviewed." Defense saying well, this indicates the  
17 fact he's off drugs and alcohol, and this is the type of  
18 individual he is.

19 I think I might feel more comfortable if I  
20 knew there was an underlying psychological problem that  
21 could be handled, but if this is the type of individual  
22 he is, someone who appears normal when interviewed, it's  
23 frightening what he could do when released back into the  
24 community, and that's why the state made its  
25 recommendation.

1 I have to consider the community's needs and  
2 his needs. The community's needs basically is to be  
3 protected. We -- the community holds the courts up to  
4 the standard of protecting them from violent offenders.  
5 And also I have to consider the defendant's needs and he  
6 has needs, be it -- and the court will accept the fact  
7 he has learning disability problems. I will accept the  
8 defense version, it's probably consistent, and there  
9 might be drug and alcohol problems. There is delivery  
10 and possession in his past in juvenile record. But even  
11 assuming he was taking drugs or alcohol when he  
12 committed these offenses, it shows a complete lack of  
13 self-control. And again, we don't know if he committed  
14 these offenses while under the influence of alcohol or  
15 drugs. So I have to weigh all these factors in here.

16 The victims in this case have been trauma-  
17 tized. The state says outside of homicide this is --  
18 these are the most shocking cases, the most  
19 traumatizing. Some of these women I think are going to  
20 be traumatized themselves, I know it will affect them  
21 the rest of their lives, and I think some sexual  
22 assaults can be equated to homicide cases because you  
23 rob people of their souls, of their self-respect, and I  
24 think this is what happened in this case.

25 And counsel again argues that he's a product



1 of his environment. There are hundreds if not thousands  
2 of children who have the same problems in the inner  
3 city, but hundreds and not thousands of children grow up  
4 to be 17, I don't even know if he's grown up, to commit  
5 crimes so violent at the age of 17. If that's true, we  
6 would have thousands of 17-year-olds in here. So I  
7 don't think his background makes him a serial rapist,  
8 and that's what he is, a serial rapist.

9 So what we have here is violent offenses,  
10 violent sexual assaults, home invasions, threats to kill  
11 victims and their babies, pillows used on faces, all  
12 this indicates to me that the defendant is a great risk  
13 to this community if not other communities if released  
14 after a short period of time.

15 The state has made a recommendation, the  
16 defense has countered. I believe the state's recommen-  
17 dation is insufficient, and I try to give great  
18 deference to the state recommendation, but it's  
19 insufficient to protect the community and is  
20 insufficient to punish the defendant.

21 He has pled or entered Alford pleas so there's  
22 somewhat an acceptance of responsibility. And he has  
23 avoided forcing the victims to testify, and I will take  
24 that in consideration. When given the chance to speak  
25 today, he just said he feels sorry for the victims.

1 Again, very little if any acceptance of responsibility  
2 if one wants to interpret that. But the violence of the  
3 offenses and the defendant's prior record is more  
4 aggravating and is more of a consideration than the fact  
5 that he barely accepts responsibility.

6 Based upon all these facts and circumstances,  
7 the court's going to impose the following sentences. As  
8 to count 1, the court is to sentence the defendant to 30  
9 years in Wisconsin State Prison. As to count -- that's  
10 the first degree sexual assault.

11 As to count 2, the armed robbery --

12 MS. FALK: That's count 3.

13 THE COURT: I'm sorry, count 3, just a second  
14 here. The court's going to sentence the defendant to  
15 ten years in Wisconsin State Prison, consecutive.

16 As to count 4, the court's going to sentence  
17 the defendant, that is a second degree sexual assault  
18 and that's a Class B felony, too?

19 MS. FALK: No, Your Honor, that would be a  
20 class, I think it's a class C. I'm just going to pull  
21 my file and make sure. It should be a 10 year felony.  
22 I think it's a 10 year felony, but let me just make  
23 sure. Yes, it is a 10 year felony.

24 THE COURT: The court's going to sentence the  
25 defendant to ten years in the Wisconsin State Prison,

1 consecutive to count 3.

2 As to count 6, the court's going to sentence  
3 the defendant to 30 years, again a first degree sexual  
4 assault, in Wisconsin State Prison, consecutive to count  
5 4.

6 As to count 8, the court's going to sentence  
7 the defendant to 30 years in Wisconsin State Prison,  
8 consecutive to count 6.

9 As to count 9, the court's going to sentence  
10 the defendant to 30 years in the Wisconsin State Prison,  
11 consecutive to count 8.

12 The court feels a longer prison sentence than  
13 the state's recommending is needed to protect the  
14 community. That probation at the end is not needed due  
15 to the length of the court's sentence. I feel that he  
16 needs, counsel says to be warehoused. I think -- I view  
17 it to be put in prison to protect the community. If  
18 it's warehousing, so be it.

19 Every sentence, as I indicated, to be  
20 consecutive. The defendant is a convicted felon, he  
21 cannot possess a firearm. He has 20 days to appeal this  
22 decision. What are your calculations? That would be,  
23 consecutive, would be a total --

24 MR. LOVE: It's 140 years.

25 THE COURT: One hundred forty years. That's

1 since. He has 20 days to appeal this decision. What's  
2 the sentencing credit?

3 MR. LOVE: He's been in since --

4 CLERK: The delinquency petition is dated  
5 September 8th. If we compute from September 8th of 1995  
6 to today's date, it's 594 days, but I don't know how  
7 long he was in custody before that.

8 MS. FALK: Before the delinquency petition?

9 CLERK: Yes.

10 MS. FALK: Let me see if I can find the date  
11 of arrest.

12 MR. LOVE: The date of the --

13 MS. FALK: Your Honor, also I think that there  
14 are requirements with respect to submitting a blood  
15 sample.

16 THE COURT: The defendant will, it's DNA --  
17 he'll commit -- submit a sample of saliva, I don't think  
18 it's blood, for the DNA bank. It says saliva rather  
19 than blood. Also as a convicted felon of first degree  
20 sexual assault, if he's ever paroled, he cannot be  
21 employed in any job where children are present or be a  
22 volunteer where children are present.

23 MS. FALK: His arrest date was September 7th  
24 of 1995.

25 THE COURT: Okay, I'll give him credit from



1           September 7th.

2                   CLERK.   That's 595 days.

3                   THE COURT:   I'll award 595 days.

4                   CLERK:   As to count 1.

5                   THE COURT:   And he has 20 days to appeal this

6           decision.

7                   CLERK:   And the mandatory surcharges are

8           ordered imposed?

9                   THE COURT:   Seventy dollars as to each count.

10                  CLERK:   Thank you.

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1 STATE OF WISCONSIN )  
2 ) ss  
MILWAUKEE COUNTY )  
3

4 I, Beth J. Fringer, Official Reporter, certify  
5 that I reported the foregoing proceedings and this  
6 transcript is true and correct in accordance with my  
7 original machine shorthand notes taken in said  
8 proceedings.

9 Dated: May 19, 1997.

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Beth J. Fringer

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